

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928.

WP(C).No. 23407 of 2003(J)

PETITIONER:

G. VALSALA DEVI, LECTURER,
DEPARTMENT OF MALAYALAM, SANATHANA DHARMA
COLLEGE, ALAPPUZHA.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

1. DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM.
2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, ERNAKULAM.
3. THE UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
UNIVERSITY BUILDINGS, THIRUVANANTHAPURAM.
4. THE PRINCIPAL, SANATHANA DHARMA
COLLEGE, ALAPPUZHA.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.C.NO.23407 OF 2003

A P P E N D I X

Petitioners' Exhibits :

EXT.P1: TRUE COPY OF THE ORDER NO.AC.F.III/001715/02 DT. 5.5.2003.

EXT.P2: TRUE COPY OF THE ORDER NO.F1-5567/2003 DT. 4.7.2003.

EXT.P3: TRUE COPY OF THE ORDER OF THE HIGH LEVEL COMMITTEE DT. 16.10.2003.

EXT.P4: TRUE COPY OF THE LETTER OF THE HEAD OF DEPARTMENT OF THE COLLEGE DT. 18.7.2002.

EXT.P5: TRUE COPY OF THE LETTER OF THE PRINCIPAL DT. 5.7.2003
ADDRESSED TO THE DIRECTOR OF COLLEGIATE EDUCATION.

EXT.P6: TRUE COPY OF THE GOVT. ORDER G.O.(MS) 61/2002/HEDN. DT. 17.6.2002.

EXT.P7: TRUE COPY OF THE GO(MS) 90/2002/H.EDN. DT. 23.7.2002.

RESPONDENTS' EXHIBITS :

EXT.R2(B) LETTER NO.A3-6342/03 DT. 2.8.2004.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.23407 of 2003

Dated 3rd January, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer:-

“To issue a writ of certiorari or other appropriate writ direction or order quashing Ext.P2 and directing the 2nd respondent to approve the salary bill of the petitioner which was sent by the 4th respondent for the payment of salary of the petitioner.”

As per Ext.P2, the Deputy Director of Collegiate Education refused to counter sign the salary bill of the petitioner on the ground that there was no sufficient work load available in the college. It is the contention of the petitioner that based on Exts.P6 and P7 Government Orders and the factual position as explained by the Adalath in Ext.P3, the Head of the Department in Ext.P4 and the Principal in Ext.P5, there is sufficient work load available. On 9.6.2006, this court passed the following order :-

“The Deputy Director of Collegiate Education, Ernakulam shall file a proper counter showing the working hours of the University and whether the petitioner's College is entitled to appoint a 6th teacher in the college. The counter affidavit shall also show whether any empowered committee has enquired into the matter or taken decision in calculating the working hours of the college. This shall be done within 3 weeks from today.”

There is no counter affidavit till date. It is fairly clear from the Government Orders, Exts.P6 and P7 that in the factual background of the case where there are 10 excess hours which do not take in the self-financing course, if any, the petitioner is entitled to succeed. Ext.P2 is quashed and the writ petition is allowed. There will be a direction to the second respondent to approve the salary bill of the petitioner as forwarded by the 4th respondent as per Ext.P1. The needful shall be done within a period of two months from the date of production of a copy of the judgment.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 21st December, 2006.